

## Interview Summary

Application No.

00/596,073

Applicant(s)

Bologna

Examiner

Alton Pryor

Group Art Unit

1616

All participants (applicant, applicant's representative, PTO personnel):

(1) Alton Pryor

(3) \_\_\_\_\_

(2) Attorney Blackman

(4) \_\_\_\_\_

Date of Interview Oct 24, 2001Type: a) ☐ Telephonic b) ☐ Video Conferencec) ☒ Personal [copy is given to 1) ☐ applicant 2) ☒ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:Claim(s) discussed: on record

Identification of prior art discussed:

on recordAgreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Attorney Blackman agrees to amend claims to further distinguish over the prior art of record pending a conference with inventor. Attorney agrees to include language that would describe invention as a dry tablet rather than a gel constituting large amounts of water (approximately 70% water).

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

*Alton A. Pryor*  
Primary Examiner  
A.U. 1616

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-5,7-9,15,16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bologna et al on record (US 5,543,150; 8/6/96).

Bologna discloses a composition comprising progesterone, cross-linked polycarboxylic acid (polycarbophil), and water soluble polymer (Carbopol 934P). Bologna teaches a method of delivering the composition to a mucosal surface (vaginal cavity). Progressive hydration does not mean that the composition is free of water.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bologna as applied to claims 1,3-5,7-9, 15,16 above in further view of Bologna above.

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Bologna teaches all that is recited in claim 2 except for the composition/method comprising progesterone in about 50% or less. One having ordinary skill in the art would have been expected to determine the optimum amount of progesterone through routine experimentation. One would have been motivated to do this in order to make a composition and to develop a process that would supply progesterone to the vagina.

***Claim Objection / Allowable Subject Matter***

Claims 6,10,14 are allowable. The prior art does not disclose or suggest the instant composition and method comprising testosterone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton N. Pryor whose telephone number is 703 308-4691. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees can be reached on 703 308-4628. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3592 for regular communications and 703-305-3592 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1235.

A handwritten signature in black ink, appearing to read "Alan N. Payne". The signature is fluid and cursive, with the first name "Alan" and the last name "Payne" clearly distinguishable.

ANP  
July 14, 2001